

**PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Consumer Protection & Safety Division  
Rail Transit and Crossing Branch  
Rail Transit Safety Section

RESOLUTION ST- 71  
November 19, 2004

**RESOLUTION**

RESOLUTION ST-71 GRANTING LOS ANGELES COUNTY  
METROPOLITAN TRANSPORTATION AUTHORITY AN  
EXEMPTION FROM GENERAL ORDER 143-B, SECTION 12.02  
REQUIREMENTS FOR TRAIN OPERATORS.

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**SUMMARY**

This resolution grants Los Angeles County Metropolitan Transportation Authority's (LACMTA) request for authority to be exempt from the train operator class B commercial driver's license with a passenger transportation endorsement requirement of General Order 143-B (GO 143-B), Section 12.02, specifically for Division Managers and Assistant Division Managers.

**BACKGROUND**

CPUC Resolution ST-12, dated July 20, 1994, ordered that: Non-contract LACMTA employees, who serve as temporary train operators during the period of a work stoppage by contract employees, are exempt from the requirements in Section 12.02 of General Order 143-A for a class B commercial driver's license with passenger transportation endorsement provided that:

1. The non-contract employees shall be required to possess a valid California class C driver's license and pass a physical examination meeting the same requirements as are needed to obtain a class B commercial driver's license.
2. This exemption is *only* valid during the period of a work stoppage by LACMTA contract employees.

Resolution ST-12 states that the reason for the class B license with passenger endorsement requirement for transit systems with combined bus/rail operations

was to establish uniform requirements for both kinds of service, and to prevent a bus operator who lost his license for cause from transferring to a position as a train operator. Train operators employed by transit agencies with rail only operations are not required to have a class B license with passenger transportation endorsement. They are, however, required to possess a class C driver's license and pass a physical examination with the same requirements as for a class B license on a biannual basis.

By a letter dated November 19, 2003, LACMTA requests exemption from GO 143-B, Section 12.02. It requests exemption, specifically for Division Managers and Assistant Managers, from the requirement that train operators who are employees of a transit agency that operates a combined bus/rail system must possess a valid class B commercial driver's license with passenger transportation endorsement. The requested exemption would only be applicable under emergency situations, when a contract employee is not available, or for limited duration, such as during a contract employee work stoppage. By E-mail dated September 21, 2004, LACMTA clarified emergency situations as follows:

1. Operating a train that is blocking an intersection to mitigate a traffic hazard.
2. Operating a train, that is involved in an accident, from the mainline into the yard (when no other train operator is readily available at the scene). Per LACMTA policy, the train operator involved in an accident is taken for a drug and alcohol test.
3. If an operator has to be relieved on the mainline because he/she becomes ill and another train operator is not readily available to move the train.

GO 143-B, Safety Rules and Regulations Governing Light Rail Transit, Section 12.02 states, "DRIVER'S LICENSE. Every operator of a light rail vehicle or streetcar shall possess a valid class B commercial driver's license with a passenger transportation endorsement, except employees of those systems that do not operate combined bus/rail modes. At systems operating rail only, operators shall be required to possess a valid California class C driver's license, provided that a physical examination for persons meeting the class B licensing requirements established by the DMV is administered to such employees biannually."

LACMTA states that the request would only be applicable to Division Managers and Assistant Division Managers with the following stipulations:

1. All Managers and Assistant Managers will be in possession of their current certifications in the rail operating rules and procedures.
2. The exemption would only be applicable under emergency situations or for limited duration in case of a strike.
3. All Division Managers and Assistant Managers comply with the biannual physical examination requirements for systems operating rail only as set forth in Section 12.02.

LACMTA believes that under the circumstances described and with the above conditions, safety will not be impacted while allowing some flexibility to LACMTA to provide service to the public.

### **PROTESTS**

On December 4, 2003 LACMTA's exemption request was noticed in the Commission's Daily Calendar. No protest of the variance application has been filed with the Commission.

### **DISCUSSION**

LACMTA operates a combined bus/rail operation. The rail operations consist of the Metro Red, Blue, Green, and Gold Lines. The Metro rail system carries an average of 191,000 passengers per day. In the event of a work stoppage or in emergency situations, when contract employee is not available, LACMTA plans to maintain train operations on a limited basis with Division Managers and Assistant Division Managers performing train operator duties.

The Rail Transit Safety Section has reviewed the request and believes it should be granted with the following conditions:

- Division Managers and Assistant Division Managers shall only operate trains during an emergency situation when no contract operator is available, and during a work stoppage.
- Division Managers and Assistant Division Managers shall only operate trains if they are currently safety certified to operate the vehicle in question and if they comply with the requirements of GO 143-B, Section 12.02 for systems operating rail only.
- An emergency situation is defined as:

- A train blocking an intersection and creating a traffic hazard.
- A train that is involved in an accident needs to be moved from the mainline into the yard.
- An operator that has to be relieved on the mainline because of illness.

This exemption will allow LACMTA to maintain limited train operations during a period of an emergency or work stoppage by their contract employees without compromising the safety of those operations. Under the conditions established by LACMTA for this exemption, its Division Managers and Assistant Division Managers assigned to perform train operation duties on a temporary basis will be required to meet the same qualification and certification requirements as any other employee would be required to meet on a rail transit system that does not also provide bus service.

### **COMMENTS**

This is an uncontested matter in which the resolution grants the relief requested. Therefore, the 30-day waiting period required by PU Code section 311 (g) (1) and the opportunity to file comments on the draft resolution is waived. Accordingly, this matter will be placed on the Commission's agenda directly for prompt action.

### **FINDINGS**

1. CPUC Resolution ST-12, dated July 20, 1994, ordered that LACMTA non-contract employees, who serve as temporary train operators during the period of a work stoppage by contract employees, are exempt from the requirements in Section 12.02 of General Order 143-A for a class B commercial driver's license with passenger transportation endorsement provided that:
  - a The non-contract employees shall be required to possess a valid California class C driver's license and pass a physical examination meeting the same requirements as are needed to obtain a class B commercial driver's license.
  - b This exemption is *only* valid during the period of a work stoppage by LACMTA contract employees.
2. LACMTA has requested an exemption from the class B driver's license with passenger transportation endorsement requirements specified in Section 12.02 of General Order 143-B. The exemption is only to apply in case of an

emergency or during period of a work stoppage by LACMTA contract employees.

3. LACMTA Division Managers and Assistant Managers who serve as substitute train operators on a temporary basis will be required to possess current certification in the rail operating rules and procedures, a valid class C driver's license, and pass once every two years the same physical examination as required for a class B license.
4. The driver's license and physical examination requirements for Division Managers and Assistant Managers who serve as substitute train operators on a temporary basis are the same as for any employee on a rail transit system that does not provide bus service.
5. Granting the variance requested by LACMTA will not have an adverse effect on system safety.

**THEREFORE IT IS ORDERED THAT:**

1. Los Angeles County Metropolitan Transportation Authority's request for an exemption from Section 12.02 of General Order 143-B is granted with the following conditions:
  - a. This exemption shall only apply to Division Managers and Assistant Division Managers.
  - b. Division Managers and Assistant Division Managers shall only operate trains during emergency situations when no contract operator is available, and during a work stoppage.
  - c. Division Managers and Assistant Division Managers shall only operate trains if they are currently safety certified to operate the vehicle in question, possess a valid class C driver's license, and pass once every two years the same physical examination as required for a class B license.
2. For the purposes of this exemption, an emergency situation shall be defined as:
  - a. A train blocking an intersection and creating a traffic hazard.
  - b. A train that is involved in an accident and needs to be moved from the mainline into the yard.
  - c. An operator that has to be relieved on the mainline because of illness.

3. This resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed, and adopted by the Commission at its regularly scheduled meeting on November 19, 2004. The following Commissioners voted favorably thereon:

Steve Larson  
Executive Director